

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

<p>NEUTRAL TANDEM, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>PEERLESS NETWORK, LLC, PEERLESS NETWORK of ILLINOIS, LLC, and JOHN BARNICLE,</p> <p style="text-align: center;">Defendants.</p> <hr/> <p>PEERLESS NETWORK, LLC, PEERLESS NETWORK of ILLINOIS, LLC, and JOHN BARNICLE,</p> <p style="text-align: center;">Counterclaim Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NEUTRAL TANDEM, INC.</p> <p style="text-align: center;">Counterclaim Defendant</p>	<p>08 CV 3402</p> <p>Judge Marvin Aspen</p> <p>Magistrate Judge Maria Valdez</p>
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**DEFENDANTS PEERLESS NETWORK, LLC,
PEERLESS NETWORK OF ILLINOIS, LLC, AND JOHN BARNICLE’S
LR 3.4 NOTICE OF COUNTERCLAIMS INVOLVING A PATENT**

Pursuant to Local Rule 3.4, Counterclaim Plaintiffs Peerless Network, LLC (“Peerless”), Peerless Network of Illinois, LLC (“Peerless Illinois”), and John Barnicle (“Barnicle”), by its attorneys, Kelley Drye & Warren LLP, hereby notify the Clerk that this action involves counterclaims concerning United States Patent No. 7,123,708 B1 (the ‘708 Patent), entitled “Neutral Tandem Telecommunications Network Providing Transiting, Terminating, and

Advanced Traffic Routing Services to Public and Provide Carrier Networks.” The counterclaims include Patent Non-Infringement, Declaration of Patent Invalidity, and Patent Unenforceability. The ‘708 Patent was issued on October 17, 2006 with the inventor listed as Ronald William Gavillet. The address of the parties are:

Counterclaim Plaintiffs: Peerless Network, LLC;
Peerless Network of Illinois, LLC;
John Barnicle
225 W. Washington Street, Suite 1285
Chicago, Illinois 60606

Counterclaim Defendants: Neutral Tandem, Inc.
One South Wacker Drive, Suite 200
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Dated: July 31, 2008

Respectfully submitted,

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*Attorneys for Peerless Network, LLC, Peerless
Network of Illinois, LLC and John Barnicle*

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby deposes and states that he caused the foregoing **Defendants' Peerless Network, LLC, Peerless Network of Illinois, LLC, and John Barnicle's LR 3.4 Notice of Counterclaims Involving a Patent** to be electronically filed with the Clerk of the Court on July 31, 2008, using the ECF system, and served on all parties via the ECF system, pursuant to LR 5.9, as to Filing Users.

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s/Henry T. Kelly

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